



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY - 1 2008

OFFICE OF  
WATER

**MEMORANDUM**

**TO:** Regional Administrators

**FROM:** Benjamin H. Grumbles  
Assistant Administrator

**SUBJECT:** Revised Coordination between EPA Regional Offices and Headquarters on  
Clean Water Act Section 404(q) Actions

**I. Introduction**

The purpose of this memorandum is to modify EPA's internal coordination procedures for the review of proposed section 404(q) actions under the joint EPA/Army Memorandum of Agreement (MOA). On October 30, 2006, I signed an EPA Memorandum to the Field (hereinafter "Coordination Memo") to clarify internal coordination procedures for the review of 3(a) and 3(b) letters. The modifications explained below are intended to continue to facilitate effective communication between EPA Headquarters and the Regions while ensuring timely implementation of the 404(q) MOA.

**II. Background**

The Coordination Memo articulates a process whereby the Regional offices provide Headquarters (HQ) with a copy of all draft 3(a) and 3(b) letters, pursuant to the provisions of Part IV of the Section 404(q) MOA. It further states that HQ will "collect information regarding the efficiency and effectiveness of the procedures outlined in the memorandum for one year, and then evaluate the application of the 404(q) process."

Since October 2006, HQ has coordinated with many of the Regional offices on a number of actions. We appreciate the care and consideration which these Regions have shown, not only in implementing these coordination procedures, but in implementing the goals and objectives of the 404(q) MOA and the regulatory program in general. During the year-long review period, Headquarters reviewed 47 section 404(q) actions. We believe that the coordination procedures have been helpful in improving national consistency in the implementation of the 404(q) MOA and appreciate the efforts of the Regions to help to make this process work.

**III. Revised Coordination Process**

Consistent with our experience in working under the current coordination procedures, I believe it is appropriate to modify these procedures now to reflect the improvements that have occurred, particularly for those Regions that have initiated Section 404(q) actions under this process. For those Regions that have submitted three or more draft 404(q) letters for coordination with

Headquarters under the current procedures, no further submittals of draft 3(a) or 3(b) letters to Headquarters will be necessary. These Regions should, however, send all signed 3(a) and 3(b) letters to the Wetlands Division at the same time they are sent to the Corps to ensure that good coordination continues on pending section 404(q) actions.

For those Regions that have not yet submitted at least three draft 404(q) letters for coordination with Headquarters, the existing procedures remain in effect until this threshold is met.

I greatly appreciate the efforts of your wetlands program staff and management for their help and cooperation in operating under the current coordination procedures and look forward to working with you to continue to make EPA's National Wetlands Program effective in protecting our vital water resources. If you have any questions on this policy, please contact me or your staff may contact Brian Frazer, Chief of the Wetlands and Aquatic Resources Regulatory Branch at 202-566-1652.

cc: Granta Nakayama  
Pat Hirsch  
Craig Hooks  
Greg Peck